

**39A.3 Election misconduct in the second degree.**

1. A person commits the crime of election misconduct in the second degree if the person willfully commits any of the following acts:

*a. Interference with validity of election.*

(1) Possesses an official ballot outside of the voting room unless the person is an election official or other person authorized by law to possess such a ballot.

(2) Makes or possesses a counterfeit of an official election ballot.

(3) Solicits or encourages a person to vote in an election knowing that person is not qualified to vote in the election.

(4) Files a challenge containing false information under [section 48A.14](#) or [49.79](#).

(5) Falsely or fraudulently signs nomination papers on behalf of another person.

*b. Actions by election official.* As an election official:

(1) Refuses to register a person who is entitled to register to vote under [chapter 48A](#).

(2) Accepts a fee from an applicant applying for registration.

(3) While the polls are open, opens a ballot received from a voter, except as permitted by law.

(4) Marks a ballot by folding or otherwise so as to be able to recognize it.

(5) Attempts to learn how a voter marked a ballot.

(6) Causes a voter to cast a vote contrary to the voter's intention.

(7) Changes a ballot, or in any way causes a vote to be recorded contrary to the intention of the person casting that vote.

(8) Allows a person to do any of the acts proscribed by subparagraphs (1) through (7).

(9) Fails to perform voter list maintenance in violation of [section 48A.41](#).

*c. Miscellaneous offenses.* Uses voter registration information, including resale or redistribution of the voter registration list without written permission of the state registrar, for purposes other than those permitted by [section 48A.39](#).

2. Election misconduct in the second degree is an aggravated misdemeanor.

[2002 Acts, ch 1071, §3; 2008 Acts, ch 1115, §83; 2019 Acts, ch 148, §6, 7, 33; 2021 Acts, ch 12, §4, 73](#)

Referred to in [§48A.41](#)

Subsection 1, paragraph b, NEW subparagraph (9)